

America Can Not Admit Right World Blockade

Inform Great Britain That it Expects His Majesty's Government to See That Trade of United States With Neutrals is Not to Be Interfered With Unduly

(Washington, April 5.—The United States government today made public its note to Great Britain announcing that it "could not admit" either the right of the allies or their claims for justification in placing an embargo on all commercial intercourse between Germany and neutral countries.

"To admit it," says the communication, "would be to assume an attitude of unneutrality towards the present enemies of Great Britain, which obviously would be inconsistent with the solemn obligation of this government in the present circumstances and for Great Britain to make such a claim would be for her to abandon and set at naught the principle for which she constantly and earnestly has contended in other times and circumstances."

The note reviews at length the legal phrases of a blockade of belligerent territory and virtual blockade of neutral coasts.

In conclusion the United States states its expectation that Great Britain, after having considered the "possibilities of the serious interruption of American trade" under the order in council "will take the steps necessary to avoid them, and in the event that they should unhappily occur would be prepared to make full reparation for every act, which under the rules of international law constitutes a violation of neutral rights."

The American communication interprets the circumstances under which Great Britain's claims to be justified in adopting retaliatory methods towards her enemies as "merely a reason for certain extraordinary activities" by her naval forces "and not an excuse for or a prelude to any unlawful action."

"If the course of the present enemies of Great Britain," the note adds, "should prove the fact to be tainted by illegality and disregard of the principles of war sanctioned by enlightened nations, it can not be supposed and this government does not for a moment suppose that his majesty's government would wish the same taint to attach to their own actions."

Ambassador Sharp, at Paris, was instructed to present a copy of the American note to the French foreign office, with the statement that although the French admiralty decree had not been received officially in Washington, it was understood to be identical with the British order in council and the American government there made similar reply.

Note to Great Britain.

The text of the note to Great Britain follows:

"The secretary of state to the American ambassador at London:

"Washington, March 30, 1915.

"You are instructed to deliver the following to his majesty's government in reply to your Nos. 1795 to 1798 of March:

"The government of the United States has given careful consideration to the subjects treated in the British notes of March 13 and March 15 and to the British order in council of the latter date.

"The communications contain matters of grave importance to neutral nations. They appear to menace their rights of trade and intercourse not only with belligerents, but also with one another. They call for frank comment in order that misunderstandings may be avoided. The government of the United States deems it its duty, therefore, speaking in the sincerest spirit of friendship, to make its own view and position with regard to them unmistakably clear.

"The order in council of the 15th of March would constitute, were its provisions to be actually carried into effect, as they stand, a practical assertion of unlimited belligerent rights over neutral commerce within the whole European area, and an almost unqualified denial of the sovereign rights of the nations now at peace.

No Question of Rights.

"This government takes it for granted that there can be no question what their rights are. A nation's sovereignty over its own ships and citizens under its own flag on the high seas in time of peace is of course unlimited; and that sovereignty suffers no diminution in time of war, except in so far as the practice and consent of civilized nations have limited it by the recognition of certain now clearly determined rights, which it is conceded may be exercised by nations which are at war.

"A belligerent nation has been conceded the right of visit and search, and the right of capture and condemnation, if upon examination a neutral vessel is found to be engaged in unneutral service or to be carrying contraband of war intended for the enemy's government or armed forces. It

has been conceded the right to establish and maintain a blockade of an enemy's ports and coasts and to capture and condemn any vessel taken when trying to break the blockade. It is even conceded the right to detain and take to its own ports for judicial examination all vessels which it suspects for substantial reason to be engaged in contraband service and condemn them if the suspicion is sustained. But such rights, long clearly defined both in doctrine and practice, have hitherto been held to be the only permissible exceptions to the principle of equality of sovereignty on the high seas as between belligerents and nations not engaged in war.

Neutrals Have Rights.

"It is confidently assumed that his majesty's government will not deny that it is a rule sanctioned by general practice that, even though a blockade should exist and the doctrine of contraband as to unblocked territory be rigidly enforced, innocent shipments may be freely transported to and from the United States through neutral countries to belligerent territory without being subject to the penalties of contraband traffic or breach of blockade, much less to detention, requisition or confiscation.

"Moreover the rules of the declaration of Paris of 1856—among them that free ships make free goods—will happily at this day be disputed by the statesmen of that solemn agreement.

"His majesty's government, like the government of the United States, have often and explicitly held that these rights represent the best usage of warfare in the dealings of belligerents with neutrals at sea. In this connection I desire to direct attention to the opinion of the chief justice of the United States in the case of the *Peterhof*, which arose out of the civil war, and to the fact that that opinion was unanimously sustained in award of the arbitration commission of 1871 to which the case was presented at the request of Great Britain. From that time to the declaration of London of 1909, adopted with modifications of the order in council of the 23rd of October, last, the rights have not been seriously questioned by the British government. And no claim on the part of Great Britain of any justification for interfering with these clear rights of the United States and its citizens as neutrals could be admitted.

Must Be Impartial.

"To admit it would be to assume an attitude of unneutrality towards the present enemies of Great Britain, which would be obviously inconsistent with the solemn obligations of this government in the present circumstances, and for Great Britain to make such a claim would be for her to abandon and set at naught the principles for which she has consistently and earnestly contended in other circumstances.

"The note of his majesty's principal secretary of state for foreign affairs, which accompanies the order in council and which bears the same date, notifies the government of the United States of the establishment of a blockade which is, if defined by the terms of the order in council, to include all the coasts and ports of Germany and every port of possible access to enemy's territory. But the novel and quite unprecedented feature of that blockade, if we are to assume it to be properly so defined, is that it embraces many neutral ports and coasts, bars access to them and subjects all neutral ships seeking to approach them to the same suspicion that would attach to them were they bound for the ports of the enemies of Great Britain, and to unusual risks and penalties.

"It is manifest that such limitations risks and liabilities placed upon the ships of a neutral power on the high seas, beyond the right of visit and search and the right to prevent the shipment of contraband already referred to, are a distinct invasion of the sovereign rights of the nation whose ships, trade or commerce are interfered with.

"The government of the United States is of course not oblivious to the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated. It might be ready to admit that the old form of 'close' blockade, with its cordon of ships in the immediate offing of the blockaded ports, is no longer practicable in the face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines and aircraft; but it can hardly be maintained that, whatever form of effective blockade may be made use of, it is impossible to conform at least to the spirit and

principles of the established rules of war. If the necessities of the case should seem to render it imperative that the cordon of blockading vessels be extended across the approaches to any neighboring neutral port or country, it would seem clear that it would still be easily practicable to comply with the well recognized and reasonable prohibition of international law against the blockading of neutral ports by according free admission and exit to all lawful traffic with neutral ports through the blockading cordon. This traffic would, of course, include all outward bound traffic from the neutral country and all inward bound traffic to the neutral country except contraband in transit to the enemy. Such procedure need not conflict in any respect with the rights of the belligerent maintaining the blockade, since the right would remain with the blockading vessels to visit and search all ships either entering or leaving the neutral territory which they were in fact but not of right investing.

No Wrong Intent.

"The government of the United States notes that in the order in council his majesty's government give as their reasons for entering upon a course of action which they are aware is without precedent in modern warfare, the necessity they conceive themselves to have been placed under to retaliate upon their enemies for measures of a similar nature which the latter have announced as their intention to adopt and which they have to some extent adopted; but the government of the United States, recalling the principles upon which his majesty's government have hitherto been scrupulous to act, interprets this as merely a reason for certain activities on the part of his majesty's naval forces and not as an excuse for or prelude to any unlawful action. If the course pursued by the present enemies of Great Britain should prove in fact tainted by illegality and disregard of the principles of war sanctioned by enlightened nations, it can not be supposed, and this government does not for a moment suppose, that his majesty's government would wish the same taint to attach to their own actions, or would cite such illegal acts as in any sense or degree a justification for similar practices on their part in so far as they affect neutral rights.

"It is thus that the government of the United States interprets the language of the note of his majesty's principal secretary of state for foreign affairs which accompanies the copy of the order in council which was handed to the ambassador of the United States government in London and by him transmitted to Washington.

Chance for Redress.

"This government notes with gratification that wide discretion is afforded to the prize court in dealing with the trade of neutrals in such manner as may in the circumstances be deemed just and that full provision is made to facilitate claims by persons interested in any goods placed in the custody of the marshal of the prize court under the order; and the effect of the order in council is to confer certain powers upon the executive officers of his majesty's government; and that the extent to which the powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation are matters which were discussed in an administrative order issued by the government and the decision of the authorities especially charged with the duty of dealing with individual ships and cargoes according to the merits of each case. This government notes further with equal satisfaction the declaration of the British government that the instructions to be issued by his majesty's government to the fleet and to the customs officials and executives concerned will impress upon them the duty of acting with the utmost dispatch consistent with the object in view and of showing in every case such consideration for neutrals as may be compatible with that object, which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany."

Looks for Limits.

"In view of these assurances formally given to this government, it is confidently expected that the extensive powers conferred by the order in council on the executive officers of the crown will be restricted by orders issued by the government directing the exercise of their discretionary powers in such a manner as to modify in practical application those provisions of the order in council which, if strictly enforced, would violate neutral rights and interrupt legitimate trade. Relying on the faithful assurances by his majesty's government the United States takes it for granted that the approach of American merchantmen to neutral ports situated upon the long lines of coast affected by the order in council will not be interfered with when it is known that they do not carry goods which are contraband of war or goods destined to or proceeding

from ports within the belligerent territory affected.

"The government of the United States assumes with the greatest confidence that his majesty's government will thus adjust their practice to the recognized rules of international law, because it is manifest that the British government have adopted an extraordinary method of 'stopping cargoes' destined for or coming from the enemy's territory, which, owing to the existence of unusual conditions in modern warfare at sea, it will be difficult to restrict to the limits which have been heretofore required by the law of nations. Though the area of operations is confined to 'European waters, including the Mediterranean,' so great an area of the high seas is covered and the cordon of ships is so distant from the territory affected that neutral vessels must necessarily pass through the blockading force in order to reach important neutral ports which Great Britain as a belligerent has not the legal right to blockade and which, therefore, it is presumed she has no intention of claiming to blockade. The Scandinavian and Danish ports, for example, are open to American trade. They are also free, so far as the actual enforcement of the order in council is concerned, to carry on trade with German Baltic ports, although it is an essential element of blockade that it bear with equal severity upon all neutrals.

Must Be Reasonable.

"This government, therefore, infers that the commanders of his majesty's ships of war engaged in maintaining the so-called blockade will be instructed to avoid an enforcement of the proposed measures of nonintercourse in such a way as to impose restrictions upon neutral trade more burdensome than those which have been regarded as inevitable when the ports of a belligerent are actually blockaded by the ships of its enemy.

"The possibilities of serious interruption of American trade under the order in council are so many and the methods proposed are so unusual and seem liable to constitute so great an impediment and embarrassment to neutralize commerce, that the government of the United States, if the order is strictly enforced, apprehends many interferences with its legitimate trade which will impose upon his majesty's government heavy responsibilities for acts of the British authorities clearly subversive of the rights of neutral nations on the high seas. It is expected, therefore, that his majesty's government having considered these possibilities, will take the steps necessary to avoid them, and, in the event that they should unhappily occur, will be prepared to make full reparation for every act which under the rules of international law constitutes a violation of neutral rights.

"As stated in its communication of October 22, 1914, this government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the declaration of London and that this government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with by the authorities of the British government."

"In conclusion you will reiterate to his majesty's government that this statement of the views of the government of the United States is made in the most friendly spirit, and in accordance with the uniform candor which has characterized the relations of the two governments in the past, and which has been in large measure the foundation of the peace and amity existing between the two nations without interruption for a century.

(Signed) "Bryan."

THE TAX COMMISSION IS AT ITS WORK

New Board Will Not Do Anything With Real Estate This Year—Much Routine Work.

A. W. Jones, chairman, declared in an interview published in *The State* on Tuesday, that the South Carolina tax commission, created by an act of the last general assembly, was studying the state's tax laws carefully. The commission has held three meetings in Columbia and much work of a routine nature has been accomplished.

"We have got to assess and equalize," said Chairman Jones, "the banks, banking corporations, railroad corporations, telegraph and telephone companies, electric street railways, interurban railways, power plants, express companies, sleeping car companies, textile industries, cotton oil mills and fertilizer companies."

Power Plant Taxes.

The power plants, he said, have never before been assessed for taxation in South Carolina. These enterprises represent several hundred thousand dollars in investment. The development of the power plants has

been rapid during the past several years. The commission will fix the corporation license tax and regular state tax for all of the above named corporations.

"We can't do anything with real estate this year," said Mr. Jones. "However, we have been digging up facts and figures in connection with real estate which will prove valuable in the future," the chairman added. The tax commission was not organized until after the county boards of equalization had met and assessed real estate, and for that reason no attempt at reassessment will be made this year. "In fact," said the chairman, "we will not have time to assess real estate this year."

No Individual Reviews.

Chairman Jones said that many petitions had been received from individual taxpayers asking for a review of certain cases. "We have no power in the matter, because the legislature struck out section 10, which gave the commission the right to hear complaints from individual taxpayers," said the chairman.

Chairman Jones said that the commission had not decided upon any recommendations to be made to the legislature.

NOTICE TO CREDITORS.

Whereas, G. E. Shealy and R. O. Shealy, as partners doing business under the firm name and style of Shealy Brothers, at Little Mountain, S. C., have made an assignment to the undersigned, all creditors are hereby notified that there will be a meeting of the creditors of said partnership at my office in Little Mountain, S. C., on the 15th day of April, 1915, at one o'clock p. m., for the purpose of electing an agent to act with me as assignee in carrying out the provision of said deed of assignment, and such other business as shall come before said meeting. J. B. Lathan, Assignee.

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